

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AFFINITY SNACK FOOD COMPANY,)	
)	
Plaintiff,)	4:05CV3086
)	
v.)	
)	
MATTHEW HEADLEY HOLDINGS,)	MEMORANDUM AND ORDER
L.L.C. d/b/a HEARTLAND)	
SNACKS,)	
)	
Defendant.)	

Upon consideration of the plaintiff's motion to compel initial disclosures and responses to discovery, since the defendant has now agreed to provide the information sought, that portion of the motion is no longer disputed. Respecting the application for expenses and fees, the provisions of the local rule require either face-to-face or telephone conversations; emails and voicemail messages do not ordinarily constitute a "conference" under the rule. NECivR 7.1(i).

IT THEREFORE HEREBY IS ORDERED,

The motion to compel, filing 37, is granted in part, and:

1. Defendant shall serve disclosures and responses to discovery requests on or before January 17, 2006.
2. The request for an award of expenses and fees is denied.

DATED this 9th day of January, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge